

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**CYNTHIA BAKER
E-889 County Road 16
Holgate, Ohio 43527**

-and-

**THOMAS BAKER
E-889 County Road 16
Holgate, Ohio 43527**

Plaintiffs

v.

**ARAMARK CORPORATION
c/o Aramark Food and Support Services
Group, Inc., Statutory Agent
4001 Leadenhall Road
Mount Laurel, New Jersey 08054**

-and-

**DESHAUN E. HORTON
22410 Maplewood Drive
Southfield, Michigan 48034**

-and-

**ERIE INSURANCE
100 Erie Insurance Place
Erie, Pennsylvania 16530**

Defendants

CASE NO.

JUDGE

**NOTICE OF REMOVAL FILED BY
ARAMARK REFRESHMENT
SERVICES, LLC (ERRONEOUSLY
NAMED AS ARAMARK
CORPORATION) AND DESHAUN E.
HORTON**

Defendants Aramark Refreshment Services, LLC (erroneously named as Aramark Corporation) and Deshaun E. Horton, by and through their counsel, Dickie, McCamey & Chilcote, P.C., file the following Notice of Removal of the above-captioned action from the Court of Common Pleas of Wood County where it has been assigned Case No. 2021CV0148, to the United States District Court for the Northern District of Ohio, Western Division, and in support thereof aver as follows:

1. This action was commenced in the Court of Common Pleas of Wood County, Ohio by Complaint on April 23, 2021, identified as Case No. 2021CV0148.

2. In their Complaint, Plaintiffs allege that a motor vehicle accident occurred in Liberty Township, County of Wood, State of Ohio. (Complaint, ¶ 1).

3. In their Complaint, Plaintiffs allege that Plaintiff Cynthia Baker was injured when her vehicle was struck by a vehicle driven by Defendant Deshaun E. Horton in Liberty Township, Ohio. (Complaint, ¶¶ 1-2).

4. Plaintiff Cynthia Baker claims that she suffered permanent injuries to her head, neck, back and other parts of her body as a result of the accident. (Complaint, ¶ 4).

5. Plaintiff Cynthia Baker claims that she has incurred medical expenses, hospital expenses, and other expenses, and will incur further expenses as a result of the accident. (Complaint, ¶ 5).

6. Plaintiff Cynthia Baker claims that she has sustained permanent damage, pain and suffering and expects to incur further pain and suffering in the future as a result of the accident. (Complaint, ¶ 6).

7. Plaintiff Cynthia Baker further claims that in addition to her personal injuries, she has lost earnings, expects to lose further earnings, and her earning capacity has been permanently impaired as a result of the accident. (Complaint, ¶ 7).

8. Plaintiff Thomas Baker alleges that he has sustained the loss of services, society, and consortium of his wife, Cynthia Baker, as a result of the accident. (Complaint, ¶ 9).

9. Defendant Deshaun E. Horton was served with a copy of the Complaint via certified mail on May 1, 2021, and Defendant Aramark Refreshment Services, LLC (erroneously named as Aramark Corporation) was served with a copy of the Complaint via certified mail on May 4, 2021. As such, thirty (30) days have not yet expired since the action became removable. See 28 U.S.C. § 1446. Copies of the Summons on Complaint and Complaint are attached hereto as Exhibit A.

10. Defendant Aramark Refreshment Services, LLC (erroneously named as Aramark Corporation) is a Delaware limited liability company with its principal place of business in Pennsylvania.

11. The sole member of Aramark Refreshment Services, LLC is Aramark Refreshment Group, Inc. Aramark Refreshment Group, Inc. is a Delaware Corporation with its principal place of business in Pennsylvania.

12. Defendant Deshaun E. Horton is an individual that is a resident and citizen of the State of Michigan.

13. Defendant Erie Insurance is located in Erie, Pennsylvania.

14. Plaintiffs have agreed to dismiss Defendant Erie Insurance from the lawsuit.

15. All remaining Defendants have consented to the filing of this Notice of Removal.

16. Based on the allegations in Plaintiffs' Complaint, the amount in controversy in this action is in excess of \$75,000 exclusive of interest and costs as Plaintiff Cynthia Baker claims permanent injuries and damages, including but not limited to; past and future medical expenses, past and future pain and suffering, past and future lost earnings and permanent loss of earning capacity. (Complaint, ¶¶ 5-7).

17. The Court of Common Pleas for Wood County, Ohio, where this action was initially filed, is within the jurisdiction of the United States District Court, Northern District of Ohio.

18. This Court has original jurisdiction of this action based upon the complete diversity of citizenship of the parties under 28 U.S.C. § 1332 and the amount in controversy, exclusive of interest and costs is in excess of \$75,000.

19. Furthermore, this action is removable from the Court of Common Pleas of Wood County, Ohio under the provisions of 28 U.S.C. § 1441, *et seq.*

20. Concurrent with this filing, Defendants have filed with the Court of Common Pleas of Wood County and served upon Plaintiffs' counsel, a Notice of Removal advising the Court of Common Pleas of Wood County and Plaintiffs' counsel that Defendants have removed this action to the United States District Court for the Northern District of Ohio.

21. By filing this Notice of Removal, Defendants do not waive any defense which may be available to Defendants in this action, including jurisdiction.

WHEREFORE, Defendants Aramark Refreshment Services, LLC (erroneously named as Aramark Corporation) and Deshaun E. Horton respectfully request that this case be removed from the Court of Common Pleas of Wood County to the United States District Court, Northern District of Ohio.

Respectfully submitted,

/s/ Kristin L. Wedell

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Attorney for Defendants

Aramark Refreshment Services, LLC

(Erroneously Named as Aramark Corporation)

and Deshaun E. Horton

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2021, the foregoing Notice of Removal was filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Additionally, a hard copy of the Notice of Removal has been served upon the following, by regular U.S. Mail:

Michael D. Harlan, Esq.
The Gervelis Law Firm
3790 Boardman-Canfield Road
Canfield, Ohio 44406
Attorney for Plaintiffs

Robert B. Fitzgerald, Esq.
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121 West High Street, 9th Floor
Lima, Ohio 45801
Attorney for Defendant
Erie Insurance

/s/ Kristin L. Wedell

KRISTIN L. WEDELL (0072500)

Attorney for Defendants

Aramark Refreshment Services, LLC

(Erroneously Named as Aramark Corporation)

and Deshaun E. Horton